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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT SEATTLE**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 ALBERT EUGENE WHITE,

15 Defendant.

NO. CR09-73-JCC

SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

16 An initial hearing on a petition for violation of supervised release was held before the
17 undersigned Magistrate Judge on October 12, 2012. The United States was represented by
18 Assistant United States Attorney Seth Wilkinson and the defendant by Dennis Carroll.

19 The defendant had been charged and convicted of Social Security Representative Payee
20 Fraud, in violation of 42 U.S.C. § 408(a)(5). On or about August 20, 2009, defendant was
21 sentenced by the Honorable John C. Coughenour, to a term of 15 months in custody, to be
22 followed by 36 months of supervised release.

23 The conditions of supervised release included the requirements that the defendant
24 comply with all local, state, and federal laws, and with the standard conditions. Special
25 conditions imposed included, but were not limited to, participation in a substance abuse
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1 program, financial disclosure, \$18,303 restitution, submit to search, alcohol abstinence and no
2 new credit.

3 In a Petition for Warrant or Summons for Offender Under Supervision dated August 7,
4 2012, U.S. Probation Officer Jerrod Akins asserted the following violation by defendant of the
5 conditions of his supervised release:

- 6 1. Failing to make monthly payments towards his restitution obligation, in
7 violation of the special condition that he pay restitution in monthly
8 installments of not less than 10% of his gross monthly household income.

9 In a Supplemental Violation report dated September 18, 2012, U.S. Probation Officer
10 Jerrod Akins asserted the following violations by defendant of the conditions of his supervised
11 release:

- 12 2. Consuming cocaine on or before August 16, 2012, in violation of standard
13 condition No. 7.
- 14 3. Obtaining a loan without the approval of the United State[s] Probation Office,
15 in violation of the special condition that he be prohibited from incurring new
16 credit charges, opening additional lines of credit, or obtaining a loan without
17 approval of the defendant's U.S. Probation Officer.
- 18 4. Failing to submit a truthful and complete monthly report to the U.S. Probation
19 Office, in violation of standard condition No. 2.

20 The defendant was advised of his rights, acknowledged those rights, and admitted to
21 violations 1, 2 and 3. Defendant denied alleged violation 4, and requested that an evidentiary
22 hearing be set on the same day as a disposition hearing before the Honorable John C.
23 Coughenour on the alleged violation.

24 I therefore recommend that the Court find the defendant to have violated the terms and
25 conditions of his supervised release as to violations 1, 2 and 3 and that the Court conduct an
26 evidentiary/disposition hearing on alleged violation 4. A disposition hearing on violations 1, 2

1 and 3, and an evidentiary/disposition hearing on alleged violation 4, has been set for November
2 2, 2012 at 9:00 a.m. before the Honorable John C. Coughenour.

3 Pending a final determination by the Court, the defendant has been detained.

4 DATED this 15th day of October, 2012.

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7 JAMES P. DONOHUE
United States Magistrate Judge

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9 cc: District Judge: Honorable John C. Coughenour
AUSA: Seth Wilkinson
10 Defendant's attorney: Dennis Carroll
11 Probation officer: Jerrod Akins
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